

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG, PA

JAN 07 2019

LAWRENCE DELLOYE,  
Plaintiff,

v.

REVOLUTIONARY ARMED FORCES  
OF COLUMBIA. (FARC),  
JUAN JOSE MARTINEZ VEGA, et. al.,  
Defendants.

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PER [Signature]  
DEPUTY CLERK

Civil No: 418-cv-~~0130~~-MWS

1307

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DEFENDANT VEGA'S REPLY TO PLAINTIFF'S RESPONSE IN  
OPPOSITION TO DEFENDANT VEGA'S MOTION FOR SUMMARY  
JUDGMENT OR, IN THE ALTERNATIVE, MOTION TO DISMISS

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NOW COMES DEFENDANT, Juan Jose Martinez Vega, pro se, who offers the following in REPLY to Plaintiff's OPPOSITION TO DEFENDANT VEGA'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION TO DISMISS. On December 13, 2018, Plaintiff caused to be filed an OPPOSITION (DE #13) to Defendant's dispositive motions [motion for summary judgment or motion to dismiss]. In his OPPOSITION Plaintiff asserts, "Defendant's motion[s] ...should be denied because Plaintiff has sufficiently satisfied his burden under Fed. R. Civ. P. 56 and 12(b)(6)." Defendant respectfully disagrees. (Opposition at p. 7).

In his OPPOSITION Plaintiff cites Philips v. County of Allegheny, 515 F. 3d. 224 (3d. Cir. 2008), for the proposition that:

[T]he Supreme Court's Twombly formulation of the pleading standard...calls for enough facts to raise a reasonable expectation that discovery will reveal evidence of the necessary element..[and] factual allegations must be enough to raise a right to relief above the speculative level. Twombly, 550 U.S. at 555. (ID. at 234.)(Emphasis added.)(OPPOSITION at p. 4.)

Plaintiff variously asserts:

- [A]ll Defendants, including Juan Jose Martinez Vega, were members of FARC.
- [B]etween 2002 and 2008 Defendants engaged in terroristic

activities or provided support for such activities, including hostage taking, kidnapping and imprisonment of [Plaintiff's] mother. (OPPOSITION at p. 7).

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Plaintiff further asserts that:

- [Defendant Vega] was...a high ranking member of FARC and a terrorist. (OPPOSITION at p. 8)<sup>1</sup>

Plaintiff's assertions are wholly unsupported, conclusory allegations with no **facts** offered to give validity to any of Plaintiff's bald assertions.

Defendant Vega was convicted of offenses concerning the importation of narcotics into the United States. He has never been charged with being a member of FARC or any similar group, and he has certainly never been found guilty or being a terrorist or belonging to FARC.

Plaintiff's OPPOSITION cites to paragraph's 3, 5, and 10 of his COMPLAINT, but Defendant Vega is not mentioned in any of those paragraph's. The same is true for paragraph's 24, 26, 27, and 28 none of which contain Defendant Vega's name.

Paragraph 18 of the COMPLAINT does name Defendant Vega specifically describing him as "a high ranking member of the FARC," but the COMPLAINT is totally devoid of any **facts** in support of this bald assertion.

The OPPOSITION asserts that, "[B]etween 2002 and 2008...Vega managed in terrorist activities or provided support for terrorist activities - including hostage taking." (OPPOSITION at p. 8). Again, not a scintilla of **fact** is offered in support of Plaintiff's assertion. What is a **fact** is that Defendant Vega could not possibly have "engaged in terrorist activities or provided support for terrorist activities" between 2002 and 2008 because from February 17, 2005 onward Defendant Vega was

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1. Plaintiff states that defendant Vega claims to have been incarcerated since February 1, 2015. Defendant Vega ascribes this misstatement to a typographical error. Incarceration is since 2005.

incarcerated on narcotic charges.

**Conclusion**

Plaintiff has offered nothing but unsupported conclusory allegations hoping that may lead to a "fishing expedition." The absence of any factual basis whatsoever ought demand the dismissal of Defendant Vega from Plaintiff's COMPLAINT.

Respectfully Submitted,

*Juan Jose Martinez Vega*  
Juan Jose Martinez Vega, pro se  
29321-016  
Butner LSCI  
PO Box 999  
Butner, NC 27509

Dated this 4 of January, 2019

**CERTIFICATE OF SERVICE**

A good and true copy of Defendant Vega's REPLY was sent by  
first class United States mail, postage prepaid, to:

Eric Zajac  
Attorney at Law  
1835 Market Street, 26th Floor  
Philadelphia, PA 19103

Juan Jose Martinez Vega  
Juan Jose Martinez Vega, Pro Se

Dated: January 4, 2019

Name: Liana Rose Martinez Vega 29321-016  
Number:  
Low Security Correctional Institution  
P.O. Box 999  
Butner, NC 27509

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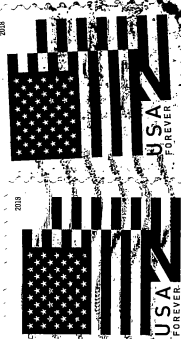
JAN 07 2019

Per [Signature]  
Deputy Clerk

⇒ 29321-016 ⇒

Clerk Of Court  
228 Walnut  
Harrisburg, PA 17108-9998  
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03 JAN 2019



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